



General Assembly

Distr.: General
22 November 2004

Original: English

Fifty-ninth session
Agenda item 144

Report of the International Law Commission on the work of its fifty-sixth session

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its fifty-sixth session" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/77 of 9 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 17th to 26th meetings, from 1 to 3 and on 5, 8, 9 and 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.17-26).
4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fifty-sixth session.¹
5. The Chairman of the International Law Commission at its fifty-sixth session introduced the report of the Commission: chapters I to IV, VII and XI at the 17th meeting, on 1 November; chapters V and VI at the 21st meeting, on 5 November; and chapters VIII to X at the 23rd meeting, on 8 November (see A/C.6/59/SR.17, 21 and 23).

¹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 10 (A/59/10)



II. Consideration of draft resolution A/C.6/59/L.23

6. At the 26th meeting, on 17 November, the representative of Hungary, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its fifty-sixth session" (A/C.6/59/L.23). He suggested an amendment to operative paragraph 4 (a) of the draft resolution, by which the words "currently entitled" would be inserted after the word "topic", which was accepted. The representative of the Libyan Arab Jamahiriya submitted a correction to the Arabic version of the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/59/L.23, as amended, without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its fifty-sixth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-sixth session,¹

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,²

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

¹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 10 (A/59/10).

² Resolution 2625 (XXV), annex.

1. *Takes note of the report of the International Law Commission on the work of its fifty-sixth session,¹ and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the General Assembly;*

2. *Expresses its appreciation to the International Law Commission for the work accomplished at its fifty-sixth session, in particular for the completion of the first reading of draft articles on Diplomatic protection and of the draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities;*

3. *Draws the attention of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission identified in chapter III of its report and in particular on:*

(a) *The draft articles and commentary on Diplomatic protection;*

(b) *The draft principles on Allocation of loss in the case of transboundary harm arising out of hazardous activities;*

4. *Invites Governments, within the context of paragraph 3 above, to provide information to the International Law Commission regarding:*

(a) *Their practice, bilateral or regional, relating to the allocation of groundwaters from transboundary aquifer systems and the management of non-renewable transboundary aquifer systems relating to the topic currently entitled "Shared natural resources";*

(b) *State practice on the topic "Unilateral acts of States";*

5. *Endorses the decision of the International Law Commission to include in its agenda the topics "Expulsion of aliens" and "Effects of armed conflicts on treaties";*

6. *Takes note of paragraphs 362 and 363 of the report of the International Law Commission with regard to its long-term programme of work and the syllabus on the new topic annexed to the report;*

7. *Invites the International Law Commission to continue taking measures to enhance its efficiency and productivity;*

8. *Encourages the International Law Commission to continue taking cost-saving measures at its future sessions;*

9. *Takes note of paragraph 370 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 2 May to 3 June and from 4 July to 5 August 2005;*

10. *Welcomes the enhanced dialogue between the International Law Commission and the Sixth Committee at the fifty-ninth session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth*

Committee and the members of the Commission attending the sixtieth session of the Assembly;

11. *Encourages* delegations, during the debate on the report of the International Law Commission to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;
12. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;
13. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;
14. *Takes note* of paragraphs 371 to 376 of the report of the International Law Commission with regard to cooperation with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;
15. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;
16. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission;
17. *Approves* the conclusions reached by the International Law Commission in paragraph 367 of its report and reaffirms its previous decisions concerning the documentation and summary records of the International Law Commission;³
18. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;
19. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

³ See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

20. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-ninth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

21. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

22. *Recommends* that the debate on the report of the International Law Commission at the sixtieth session of the General Assembly commence on 24 October 2005.



General Assembly

Distr.: General
18 November 2004

Original: English

Fifty-ninth session
Agenda item 145

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/78 of 9 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 26th meeting, on 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/59/SR.26).
4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country.¹
5. At the 26th meeting, on 17 November, the Chairman of the Committee on Relations with the Host Country introduced the report of that Committee (see A/C.6/59/SR.26).

II. Consideration of draft resolution A/C.6/59/L.15

6. At the 26th meeting, on 17 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, introduced a draft

¹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 26 (A/59/26).



resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/59/L.15).

7. At the same meeting, the Committee adopted draft resolution A/C.6/59/L.15 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,¹

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,² the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations³ and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 26 of its report;¹*

2. *Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions;*

3. *Notes that the Committee conducted an initial detailed review of the implementation of the Parking Programme for Diplomatic Vehicles,⁴ as recommended by the Legal Counsel in his opinion on 24 September 2002,⁵ with a view to addressing the problems experienced by some permanent missions during the first year of the Programme and continuously ensuring its proper implementation in a manner that is fair, non-discriminatory, effective and therefore consistent with international law, and that it shall remain seized of the matter;*

¹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 26 (A/59/26).

² Resolution 22 A (I).

³ See resolution 169 (II).

⁴ A/AC.154/355, annex.

⁵ A/AC.154/358, annex.

4. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

5. *Notes* that during the reporting period some travel restrictions previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities were removed, and requests the host country to consider removing the remaining travel restrictions, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

6. *Notes also* that the Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,³ *inter alia*, for the purpose of their attending official United Nations meetings;

7. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Report of the Committee on Relations with the Host Country".



General Assembly

Distr.: General
19 November 2004

Original: English

Fifty-ninth session
Agenda item 146

International Criminal Court

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "International Criminal Court" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/79 of 9 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 6th and 27th meetings, on 14 October and on 19 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.6 and 27).
4. For its consideration of the item, the Committee had before it the note of the Secretariat (A/59/356).

II. Consideration of draft resolution A/C.6/59/L.25 and Corr.1

5. At the 27th meeting, on 19 November, the representative of the Netherlands, on behalf of the Bureau, introduced a draft resolution entitled "International Criminal Court" (A/C.6/59/L.25 and Corr.1) and orally revised it by adding a new footnote after the words "Relationship Agreement" in the fourth preambular paragraph.
6. At the same meeting, the representative of the United States of America made statement in explanation of position before the Committee took action on the draft resolution and the representative of Canada made statement in explanation of position after the Committee took action on the draft resolution (see A/C.6/59/SR.27).
7. Also at the same meeting, the Committee adopted draft resolution A/C.6/59/L.25 and Corr.1, as orally revised, without a vote (see para. 8).



III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 9 December 1999, 55/155 of 12 December 2000, 56/85 of 12 December 2001, 57/23 of 19 November 2002 and 58/79 of 9 December 2003,

Noting that the Rome Statute of the International Criminal Court¹ was adopted on 17 July 1998 and entered into force on 1 July 2002,

Noting also the adoption of the Regulations of the International Criminal Court,² the entry into force of the Agreement on the Privileges and Immunities of the Court,³ the opening of the first investigations by the Prosecutor and the constitution of the Pre-Trial Chambers of the Court,

Acknowledging the Relationship Agreement between the United Nations and the International Criminal Court ("Relationship Agreement") as approved by the Assembly of States Parties on 7 September 2004 and by the General Assembly in its resolution 58/318 of 13 September 2004,⁴ including paragraph 3 of the resolution with respect to the full reimbursement of expenses resulting from the implementation of the Relationship Agreement,⁵ and signed by the United Nations and the Court on 4 October 2004, thereby entering into force,

Reiterating the historic significance of the adoption of the Rome Statute of the International Criminal Court,

1. *Calls upon* all States that are not yet parties to the Rome Statute of the International Criminal Court¹ to consider ratifying or acceding to it without delay, and encourages efforts aimed at promoting awareness of the results of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998, the provisions of the Statute and the process leading to the establishment of the International Criminal Court;

2. *Calls upon* all States to consider becoming parties to the Agreement on the Privileges and Immunities of the International Criminal Court³ without delay;

¹ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998, vol. I: Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

² ICC-BD/01-01-04.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.E.

⁴ See A/58/874 and Add.1.

⁵ Articles 10 and 13 of the Relationship Agreement.

3. *Welcomes* the holding of the third session of the Assembly of States Parties in The Hague from 6 to 10 September 2004, and also welcomes the election of the new President of the Assembly of States Parties, new members to the Committee on Budget and Finance and the second Deputy-Prosecutor, and the important decisions taken on that occasion, including the establishment of the secretariat of the Board of Directors of the Trust Fund for Victims, as well as the adoption of a number of resolutions;⁶

4. *Recalls* the establishment of the Special Working Group on the Crime of Aggression by the Assembly of States Parties to the Rome Statute of the International Criminal Court, open to all States on an equal footing;

5. *Expresses its appreciation* to the Secretary-General for providing effective and efficient assistance in the establishment of the International Criminal Court;

6. *Takes note* of the statement by the President of the Security Council of 6 October 2004,⁷ in which the Secretary-General is thanked for his report on the rule of law,⁸ in which reference was made to a number of efforts, in particular by the International Criminal Court to promote justice and the rule of law;

7. *Welcomes* the report of the Secretary-General on the work of the Organization,⁹ in which references were made to the International Criminal Court;

8. *Welcomes also* the steps taken as explained in the note by the Secretariat on the International Criminal Court,¹⁰ amongst which were those to close the various trust funds administered by the Secretary-General relating to the establishment of the Court and subsequent activities;

9. *Recalls* that pursuant to article 4, paragraph 2, of the Relationship Agreement,¹¹ the International Criminal Court may attend and participate in the work of the General Assembly in the capacity of observer and that pursuant to article 6 of the Relationship Agreement the Court may submit reports on its activities to the fifty-ninth and following sessions of the General Assembly;

10. *Decides* to include in the provisional agenda of its sixtieth session, the item entitled "Report of the International Criminal Court", under which shall be considered, with the Court invited to attend and to participate, pursuant to article 4, paragraph 2, of the Relationship Agreement, any report of the International Criminal Court, pursuant to article 6 of the Relationship Agreement.

⁶ Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004 (ICC-ASP/3/25).

⁷ S/PRST/2004/34; see *Resolutions and Decisions of the Security Council, 1 August 2004-31 July 2005*.

⁸ S/2004/616.

⁹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 1 (A/59/1).

¹⁰ A/59/356.

¹¹ A/58/874, annex.



General Assembly

Distr.: General
18 November 2004

Original: English

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/248 of 23 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 3rd, 4th, 6th, 24th and 26th meetings, on 7, 8 and 14 October and 8 and 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.3, 4, 6, 24, and 26).
4. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;¹
 - (b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/59/189);
 - (c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/59/334).

¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 33 (A/59/33).*



5. At the 3rd meeting, on 7 October, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee (see A/C.6/59/SR.3).

II. Consideration of proposals

A. Draft resolution A/C.6/59/L.17

6. At the 24th meeting, on 8 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/59/L.17).
7. At the 26th meeting, on 17 November, the Secretary of the Committee made a statement regarding the programme budget implications of the draft resolution (see A/C.6/59/SR.26).
8. At the same meeting, the Committee adopted draft resolution A/C.6/59/L.17 without a vote (see para. 11, draft resolution I).

B. Draft resolution A/C.6/59/L.18

9. At the 24th meeting, on 8 November, the representative of Ukraine, on behalf of Belarus, Brazil, Bulgaria, Chile, China, Egypt, the Russian Federation, Turkey, Uganda and Ukraine, subsequently joined by the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/59/L.18).
10. At its 26th meeting, on 17 November, the Committee adopted draft resolution A/C.6/59/L.18 without a vote (see para. 11, draft resolution II).

III. Recommendations of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,¹

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Considering the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

Taking note of the ongoing debate on the revised working papers on the working methods of the Special Committee,

Taking note also of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,²

Recalling its resolution 58/248 of 23 December 2003,

¹ Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 47 (A/56/47).

² A/59/189.

*Having considered the report of the Special Committee on the work of its session held in 2004,*³

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;*³

2. *Decides that the Special Committee shall hold its next session from 14 to 24 March 2005;*

3. *Requests the Special Committee, at its session in 2005, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:*

(a) *To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2005;*

(b) *To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General⁴ and the proposals submitted on the question;*

(c) *To keep on its agenda the question of the peaceful settlement of disputes between States;*

(d) *To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/55 of 11 December 1995,⁵ the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"⁶ and the views expressed by States on this subject at previous sessions of the Assembly;*

(e) *To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;*

4. *Invites the Special Committee at its session in 2005 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;*

³ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 33 (A/59/33).*

⁴ A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346 and A/59/334.

⁵ A/50/1011.

⁶ A/51/950 and Add.1-7.

5. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;
6. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixtieth session;
7. *Takes note* of paragraphs 10 and 17 of the report of the Secretary-General;²
8. *Endorses* the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;
9. *Requests* the Secretary-General to establish a trust fund to eliminate the backlog of the *Repertory of Practice of United Nations Organs*, which shall accept voluntary contributions by States, private institutions and individuals;
10. *Also requests* the Secretary-General to continue his efforts, within the level of the currently approved budget, towards making available electronically all versions of the *Repertory of Practice of United Nations Organs* as early as possible;
11. *Further requests* the Secretary-General to submit a report on both the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* to the General Assembly at its sixtieth session;
12. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II
Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",¹ in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereto, entitled "Question of sanctions imposed by the United Nations",

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",²

(d) The statement by the President of the Security Council of 22 February 1995,³

(e) The report of the Secretary-General⁴ prepared pursuant to the statement by the President of the Security Council⁵ regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000⁶ and the annual overview reports of

¹ A/47/277-S/24111.

² A/50/60-S/1995/1.

³ S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

⁴ A/48/573-S/26705.

⁵ S/25036; see *Resolutions and Decisions of the Security Council, 1992*.

⁶ E/1993/81, E/1994/19, E/1995/21, E/1996/18 and Add.1, E/1997/54 and Corr.1, E/1998/21, E/1999/48, E/2000/53 and E/2001/55.

the United Nations System Chief Executives Board for Coordination for 2001 to 2003,⁷ in particular the sections on assistance to countries invoking Article 50 of the Charter,

(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia⁸ and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997, 54/96 G of 15 December 1999, 55/170 of 14 December 2000 and 56/110 of 14 December 2001,

(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2004,⁹

(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,¹⁰

(j) The report of the Secretary-General to the Millennium Assembly of the United Nations,¹¹ in particular section IV.E thereof, entitled "Targeting sanctions",

(k) The United Nations Millennium Declaration,¹² in particular paragraph 9 thereof,

(l) The report of the Secretary-General entitled "Road map towards implementation of the United Nations Millennium Declaration",¹³ in particular paragraphs 56 to 61 thereof,

(m) The report of the Committee for Programme and Coordination on the work of its forty-third session, in particular the recommendation that the Chief Executives Board play a role in better coordinating the analysis of the problems of the countries invoking Article 50 of the Charter, and the development of new methodologies to identify the damage to affected States and new mechanisms to determine the appropriate compensation for them,¹⁴

⁷ E/2002/55, E/2003/55 and E/2004/67.

⁸ A/49/356, A/50/423, A/51/356, A/52/535, A/54/534, A/55/620 and Corr.1, A/56/632 and A/58/358.

⁹ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33); ibid., Fiftieth Session, Supplement No. 33 (A/50/33); ibid., Fifty-first Session, Supplement No. 33 (A/51/33); ibid., Fifty-second Session, Supplement No. 33 and corrigendum (A/52/33 and Corr.1); ibid., Fifty-third Session, Supplement No. 33 (A/53/33); ibid., Fifty-fourth Session, Supplement No. 33 and corrigendum (A/54/33 and Corr.1); ibid., Fifty-fifth Session, Supplement No. 33 (A/55/33); ibid., Fifty-sixth Session, Supplement No. 33 (A/56/33); ibid., Fifty-seventh Session, Supplement No. 33 (A/57/33); ibid., Fifty-eighth Session, Supplement No. 33 (A/58/33); and ibid., Fifty-ninth Session, Supplement No. 33 (A/59/33).*

¹⁰ A/50/361, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346 and A/59/334.

¹¹ A/54/2000.

¹² See resolution 55/2.

¹³ A/56/326; see also the report of the Secretary-General on the implementation of the United Nations Millennium Declaration (A/58/323), para. 23.

¹⁴ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 16 (A/58/16), para. 581.*

Taking note of the report of the Secretary-General on the work of the Organization,¹⁵ in particular paragraphs 78 to 81 thereof,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

Recalling also the measures taken by the Security Council, in accordance with the statement by the President of the Security Council of 16 December 1994,¹⁶ that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Recalling further the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999¹⁷ aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of those committees,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economies of those States,

¹⁵ Ibid., Fifty-ninth Session, Supplement No. 1 (A/59/1).

¹⁶ See S/PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

¹⁷ S/1999/92; see *Resolutions and Decisions of the Security Council, 1999*.

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002 and 58/80 of 9 December 2003,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 18 December 2003,¹⁸ whereby the members of the Security Council agreed to extend the mandate of the informal working group of the Council established in 2000¹⁹ to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the adoption of the proposed outcome document of the working group, in particular those provisions thereof regarding the issues of the unintended impact of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to enhance further the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Invites* the Security Council, its sanctions committees and the Secretariat to continue to ensure, as appropriate, that:

(a) Both pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which the negative impact of sanctions can be mitigated;

(b) Sanctions committees provide opportunities for third States affected by sanctions to brief them on the unintended impact of sanctions they are experiencing and on assistance needed by them to mitigate the negative impact of sanctions;

(c) The Secretariat continues to provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, for example, on invoking Article 50 of the Charter for consultation with the Security Council;

(d) Where economic sanctions have had severe effects on third States, the Security Council is able to request the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the

¹⁸ S/2003/1185; see *Resolutions and Decisions of the Security Council, 1 August 2003-31 July 2004*.

¹⁹ S/2000/319.

ground to undertake necessary assessments and to identify, as appropriate, possible ways of assistance;

(c) The Security Council is able, in the context of situations referred to in subparagraph (d) above, to consider establishing working groups to consider such situations;

4. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25 and 58/80 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

5. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States;²⁰ and renews its invitation to States and relevant international organizations within and outside the United Nations system that have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

6. *Takes note* of the most recent report of the Secretary-General on this question²¹ and, in particular, of his views on the deliberations and main findings, including the recommendations of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, as well as the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as contained in the previous reports of the Secretary-General;²²

7. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

8. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2005, to make appropriate arrangements for this purpose within its programme of work for 2005, further invites the Council to continue its consideration of the question of assistance to third States affected by the application of sanctions, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to

²⁰ A/53/312.

²¹ A/59/334.

²² See A/54/383 and Add.1, A/55/295 and Add.1, A/57/165 and Add.1 and A/58/346.

assistance to third States affected by the application of sanctions, together with the relevant background materials, to the Council at its substantive session of 2005;

9. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, the special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings, as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

10. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2005, to continue to consider on a priority basis and in an appropriate substantive manner and framework the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162,²⁰ together with the most recent report of the Secretary-General on this question,²¹ taking into consideration the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-ninth session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25, 58/80 and the present resolution;

11. *Decides* to consider within the Sixth Committee or a working group of the Committee, at the sixtieth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".



General Assembly

Distr.: General
29 November 2004

Original: English

Fifty-ninth session
Agenda item 147

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/248 of 23 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 3rd, 4th, 6th, 24th and 26th meetings, on 7, 8 and 14 October and 8 and 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.3, 4, 6, 24, and 26).
4. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,¹
 - (b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/59/189);

* Reissued for technical reasons.

¹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 33 (A/59/33).



(c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/59/334).

5. At the 3rd meeting, on 7 October, the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization introduced the report of the Special Committee (see A/C.6/59/SR.3).

II. Consideration of proposals

A. Draft resolution A/C.6/59/L.17

6. At the 24th meeting, on 8 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/59/L.17).

7. At the 26th meeting, on 17 November, the Secretary of the Committee made a statement regarding the programme budget implications of the draft resolution (see A/C.6/59/SR.26).

8. At the same meeting, the Committee adopted draft resolution A/C.6/59/L.17 without a vote (see para. 11, draft resolution I).

B. Draft resolution A/C.6/59/L.18

9. At the 24th meeting, on 8 November, the representative of Ukraine, on behalf of Belarus, Brazil, Bulgaria, Chile, China, Egypt, the Russian Federation, Turkey, Uganda and Ukraine, subsequently joined by the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/59/L.18).

10. At its 26th meeting, on 17 November, the Committee adopted draft resolution A/C.6/59/L.18 without a vote (see para. 11, draft resolution II).

III. Recommendations of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,¹

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Considering the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

Taking note of the ongoing debate on the revised working papers on the working methods of the Special Committee,

Taking note also of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council*,²

Recalling its resolution 58/248 of 23 December 2003,

¹ Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 47 (A/56/47).

² A/59/189.

*Having considered the report of the Special Committee on the work of its session held in 2004,*³

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;*⁴

2. *Decides that the Special Committee shall hold its next session from 14 to 24 March 2005;*

3. *Requests the Special Committee, at its session in 2005, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:*

(a) *To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2005;*

(b) *To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General⁴ and the proposals submitted on the question;*

(c) *To keep on its agenda the question of the peaceful settlement of disputes between States;*

(d) *To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/55 of 11 December 1995,⁵ the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"⁶ and the views expressed by States on this subject at previous sessions of the Assembly;*

(e) *To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;*

4. *Invites the Special Committee at its session in 2005 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;*

³ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 33 (A/59/33).*

⁴ A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346 and A/59/334.

⁵ A/50/1011.

⁶ A/51/950 and Add.1-7.

5. Notes the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;
6. Requests the Special Committee to submit a report on its work to the General Assembly at its sixtieth session;
7. Takes note of paragraphs 10 and 17 of the report of the Secretary-General;²
8. Endorses the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;
9. Requests the Secretary-General to establish a trust fund to eliminate the backlog of the *Repertory of Practice of United Nations Organs*, which shall accept voluntary contributions by States, private institutions and individuals;
10. Also requests the Secretary-General to continue his efforts, within the level of the currently approved budget, towards making available electronically all versions of the *Repertory of Practice of United Nations Organs* as early as possible;
11. Further requests the Secretary-General to submit a report on both the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* to the General Assembly at its sixtieth session;
12. Decides to include in the provisional agenda of its sixtieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II
Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",¹ in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereto, entitled "Question of sanctions imposed by the United Nations",

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",²

(d) The statement by the President of the Security Council of 22 February 1995,³

(e) The report of the Secretary-General⁴ prepared pursuant to the statement by the President of the Security Council⁵ regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000⁶ and the annual overview reports of

¹ A/47/277-S/24111.

² A/50/60-S/1995/1.

³ S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

⁴ A/48/573-S/26705.

⁵ S/25036; see *Resolutions and Decisions of the Security Council, 1992*.

⁶ E/1993/81, E/1994/19, E/1995/21, E/1996/18 and Add.1, E/1997/54 and Corr.1, E/1998/21, E/1999/48, E/2000/53 and E/2001/55.

the United Nations System Chief Executives Board for Coordination for 2001 to 2003,⁷ in particular the sections on assistance to countries invoking Article 50 of the Charter,

(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia⁸ and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997, 54/96 G of 15 December 1999, 55/170 of 14 December 2000 and 56/110 of 14 December 2001,

(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2004,⁹

(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,¹⁰

(j) The report of the Secretary-General to the Millennium Assembly of the United Nations,¹¹ in particular section IV.E thereof, entitled "Targeting sanctions",

(k) The United Nations Millennium Declaration,¹² in particular paragraph 9 thereof,

(l) The report of the Secretary-General entitled "Road map towards implementation of the United Nations Millennium Declaration",¹³ in particular paragraphs 56 to 61 thereof,

(m) The report of the Committee for Programme and Coordination on the work of its forty-third session, in particular the recommendation that the Chief Executives Board play a role in better coordinating the analysis of the problems of the countries invoking Article 50 of the Charter, and the development of new methodologies to identify the damage to affected States and new mechanisms to determine the appropriate compensation for them,¹⁴

⁷ E/2002/55, E/2003/55 and E/2004/67.

⁸ A/49/356, A/50/423, A/51/356, A/52/535, A/54/534, A/55/620 and Corr.1, A/56/632 and A/58/358.

⁹ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33)*; *ibid.*, *Fiftieth Session, Supplement No. 33 (A/50/33)*; *ibid.*, *Fifty-first Session, Supplement No. 33 (A/51/33)*; *ibid.*, *Fifty-second Session, Supplement No. 33 and corrigendum (A/52/33 and Corr.1)*; *ibid.*, *Fifty-third Session, Supplement No. 33 (A/53/33)*; *ibid.*, *Fifty-fourth Session, Supplement No. 33 and corrigendum (A/54/33 and Corr.1)*; *ibid.*, *Fifty-fifth Session, Supplement No. 33 (A/55/33)*; *ibid.*, *Fifty-sixth Session, Supplement No. 33 (A/56/33)*; *ibid.*, *Fifty-seventh Session, Supplement No. 33 (A/57/33)*; *ibid.*, *Fifty-eighth Session, Supplement No. 33 (A/58/33)*; and *ibid.*, *Fifty-ninth Session, Supplement No. 33 (A/59/33)*.

¹⁰ A/50/361, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346 and A/59/334.

¹¹ A/54/2000.

¹² See resolution 55/2.

¹³ A/56/326; see also the report of the Secretary-General on the implementation of the United Nations Millennium Declaration (A/58/323), para. 23.

¹⁴ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 16 (A/58/16)*, para. 581.

Taking note of the report of the Secretary-General on the work of the Organization,¹⁵ in particular paragraphs 78 to 81 thereof,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

Recalling also the measures taken by the Security Council, in accordance with the statement by the President of the Security Council of 16 December 1994,¹⁶ that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Recalling further the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999¹⁷ aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of those committees,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economies of those States,

¹⁵ Ibid., Fifty-ninth Session. Supplement No. 1 (A/59/1).

¹⁶ See S/PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

¹⁷ S/1999/92; see *Resolutions and Decisions of the Security Council, 1999*.

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002 and 58/80 of 9 December 2003,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 18 December 2003,¹⁸ whereby the members of the Security Council agreed to extend the mandate of the informal working group of the Council established in 2000¹⁹ to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the adoption of the proposed outcome document of the working group, in particular those provisions thereof regarding the issues of the unintended impact of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to enhance further the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Invites* the Security Council, its sanctions committees and the Secretariat to continue to ensure, as appropriate, that:

(a) Both pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which the negative impact of sanctions can be mitigated;

(b) Sanctions committees provide opportunities for third States affected by sanctions to brief them on the unintended impact of sanctions they are experiencing and on assistance needed by them to mitigate the negative impact of sanctions;

(c) The Secretariat continues to provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, for example, on invoking Article 50 of the Charter for consultation with the Security Council;

(d) Where economic sanctions have had severe effects on third States, the Security Council is able to request the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the

¹⁸ S/2003/1185; see *Resolutions and Decisions of the Security Council*. 1 August 2003-31 July 2004.

¹⁹ S/2000/319.

ground to undertake necessary assessments and to identify, as appropriate, possible ways of assistance;

(e) The Security Council is able, in the context of situations referred to in subparagraph (d) above, to consider establishing working groups to consider such situations;

4. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25 and 58/80 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

5. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States,²⁰ and renews its invitation to States and relevant international organizations within and outside the United Nations system that have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

6. *Takes note* of the most recent report of the Secretary-General on this question²¹ and, in particular, of his views on the deliberations and main findings, including the recommendations of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, as well as the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as contained in the previous reports of the Secretary-General;²²

7. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

8. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2003, to make appropriate arrangements for this purpose within its programme of work for 2005, further invites the Council to continue its consideration of the question of assistance to third States affected by the application of sanctions, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to

²⁰ A/53/312.

²¹ A/59/334.

²² See A/54/383 and Add.1, A/55/295 and Add.1, A/57/165 and Add.1 and A/58/346.

assistance to third States affected by the application of sanctions, together with the relevant background materials, to the Council at its substantive session of 2005;

9. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, the special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings, as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

10. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2005, to continue to consider on a priority basis and in an appropriate substantive manner and framework the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162,²⁰ together with the most recent report of the Secretary-General on this question,²¹ taking into consideration the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-ninth session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25, 58/80 and the present resolution;

11. *Decides* to consider within the Sixth Committee or a working group of the Committee, at the sixtieth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".



General Assembly

Distr.: General
18 November 2004

Original: English

Fifty-ninth session
Agenda item 148

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/81 of 9 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 1st, 7th to 10th and 26th meetings, on 4 and from 18 to 20 October and on 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.1, 7-10 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;¹

(b) Report of the Secretary-General on measures to eliminate international terrorism (A/59/210 and Corr.1);

(c) Report of the Working Group on measures to eliminate international terrorism (A/C.6/59/L.10);

(d) Letter dated 12 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General transmitting the Khartoum Declaration on Combating Terrorism and Transnational Organized Crime,

¹ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 37 (A/59/37).



issued by the States members of the Intergovernmental Authority on Development at Khartoum, on 19 January 2004 (A/59/83-S/2004/387);

(e) Letter dated 1 July 2004 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General transmitting the Tashkent Declaration by the heads of State of the members of the Shanghai Cooperation Organization, issued at Tashkent on 17 June 2004 (A/59/124-S/2004/532);

(f) Letter dated 8 September 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting the address by Vladimir Putin, President of the Russian Federation, on 4 September 2004 (A/59/337-S/2004/721);

(g) Letter dated 16 September 2004 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General transmitting a joint statement entitled "Central Asia + Japan", issued at Astana on 28 August 2004 (A/59/368-S/2004/747);

(h) Letter dated 21 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/59/371);

(i) Identical letters dated 23 September 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council (A/59/380-S/2004/757);

(j) Letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the Secretary-General transmitting a memorandum concerning the proposed establishment of a post of United Nations High Commissioner on Terrorism (A/59/383-S/2004/758);

(k) Letter dated 1 October 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General transmitting the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held in New York on 28 September 2004 (A/59/425-S/2004/808);

(l) Letter dated 27 October 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting the statement by the heads of the member States of the Commonwealth of Independent States on combating international terrorism, issued at Astana on 16 September 2004 (A/59/537-S/2004/868);

(m) Letter dated 27 October 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting a statement by the State Duma of the Federal Assembly of the Russian Federation on international cooperation to combat terrorism, issued in Moscow, on 22 September 2004 (A/59/538);

(n) Letter dated 27 October 2004 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General transmitting the declaration of the Ministers for Foreign Affairs of the States members of the Conference on Interaction and Confidence-Building Measures in Asia, adopted at Almaty, Kazakhstan, on 22 October 2004 (A/59/541-S/2004/873);

(v) Letter dated 2 November 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/59/548-S/2004/880).

5. Pursuant to paragraph 16 of General Assembly resolution 58/81, the Committee, at its 1st meeting, on 4 October, established a working group to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and decided to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee elected Rohan Perera (Sri Lanka) as Chairman of the Working Group, which held two plenary meetings, on 5 and 8 October.

6. At the 7th meeting, on 18 October, the Chairman of the Ad Hoc Committee and the Working Group introduced the report of the Ad Hoc Committee and the report of the Working Group (see A/C.6/59/SR.7).

II. Consideration of draft resolution A/C.6/59/L.19

7. At the 26th meeting, on 17 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/59/L.19).

8. At the same meeting, the Secretary of the Committee made a statement regarding the programme budget implications of the draft resolution (see A/C.6/59/SR.26).

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/59/L.19 without a vote (see para. 11).

10. After the adoption of the draft resolution, the representatives of Tunisia and Venezuela made statements in explanation of position (see A/C.6/59/SR.26).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,¹

Recalling also the United Nations Millennium Declaration,²

Recalling further the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and welcoming the celebration this year of the tenth anniversary of its adoption, and recalling the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

Recalling all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of General Assembly resolution 58/81 of 9 December 2003,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

¹ See resolution 50/6.

² See resolution 55/2.

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and the enhancement of dialogue among civilizations are among the most important elements in promoting cooperation and success in combating terrorism,

Reaffirming that no terrorist act can be justified in any circumstances,

Taking note of the Final Document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Kuala Lumpur on 25 February 2003,³ which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held in Durban, South Africa, from 29 August to 3 September 1998,⁴ calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those identified in the annex to the present resolution,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002 and 58/81 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to

³ A/57/759-S/2003/332, annex I.

⁴ See A/53/667-S/1998/1071, annex I, paras. 149-162.

formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Aware of resolutions 57/219 of 18 December 2002 and 58/187 of 22 December 2003,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,⁵ the report of the Ad Hoc Committee established by resolution 51/210⁶ and the report of the Working Group of the Sixth Committee established pursuant to resolution 58/81,⁷

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

4. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

7. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

⁵ A/59/210 and Corr.1.

⁶ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 37 (A/59/37).

⁷ A/C.6/59/L.10.

8. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

9. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolutions 1373 (2001), and 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings⁸ and the International Convention for the Suppression of the Financing of Terrorism,⁹ and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

10. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 9 above;

11. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of resolution 58/81, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

12. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

13. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

14. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

15. *Welcomes* the continuing efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism;

16. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

⁸ Resolution 52/164, annex.

⁹ Resolution 54/109, annex.

17. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 58/81;

18. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and to resolve the outstanding issues relating to the elaboration of the draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

19. *Decides also* that the Ad Hoc Committee shall meet from 28 March to 1 April 2005 in order to fulfil the mandate referred to in paragraph 18 above, and that the work shall continue, if necessary, during the sixtieth session of the General Assembly, within the framework of the Working Group of the Sixth Committee;

20. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

21. *Also requests* the Secretary-General to make a comprehensive inventory of the response of the Secretariat to terrorism as part of his report on measures to eliminate international terrorism;

22. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-ninth session in the event of the completion of the draft comprehensive convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

23. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixtieth session on progress made in the implementation of its mandate;

24. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Measures to eliminate international terrorism".

Annex

African Union

Second High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, and inauguration of the African Centre for Studies and Research on Terrorism, Algiers, 13 and 14 October 2004

Andean Community

Subregional workshop on the regional fight against terrorism, Lima, 26 and 27 January 2004

Association of Southeast Asian Nations

Fourth ASEAN Ministerial Meeting on Transnational Crime, Bangkok, 8 January 2004

First ASEAN Plus Three Ministerial Meeting on Transnational Crime, Bangkok, 10 January 2004

European Union

European Council meetings with a focus on terrorism, Brussels, 25 and 26 March and 17 and 18 June 2004

Organization of American States

Fourth regular session of the Inter-American Committee against Terrorism, Montevideo, 28-30 January 2004

Shanghai Cooperation Organization

Summit Meeting of the Shanghai Cooperation Organization for the establishment of the Regional Anti-Terrorism Structure, Tashkent, 17 June 2004

South Asian Association for Regional Cooperation

Twelfth SAARC Summit, Islamabad, 4-6 January 2004

Other meetings

Bali Regional Ministerial Meeting on Counter-Terrorism, convened by Indonesia and Australia, Bali, Indonesia, 4 and 5 February 2004

**General Assembly**

Distr.: General
19 November 2004

Original: English

Fifty-ninth session
Agenda item 149

**Scope of legal protection under the Convention on the
Safety of United Nations and Associated Personnel****Report of the Sixth Committee**

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/82 of 9 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 10th, 13th and 26th meetings, on 20 and 25 October and 17 November 2004. The statements made during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.10, 13 and 26).
4. For its consideration of the item, the Committee had before it:
 - (a) Report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;¹
 - (b) Report of the Secretary-General on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (A/59/226);
 - (c) Report of the Working Group of the Sixth Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel (A/C.6/59/L.9).

¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 52 (A/59/52).*



5. At its 1st meeting, on 4 October, the Sixth Committee established a Working Group to continue the work of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel, established by General Assembly resolution 56/89 of 12 December 2001, and elected Mr. Christian Wenaweser (Liechtenstein) as Chairman of the Working Group (see A/C.6/59/SR.1).

6. At its 10th meeting, on 20 October, the Chairman of the Ad Hoc Committee and of the Working Group introduced the reports of the Ad Hoc Committee and of the Working Group (see A/C.6/59/SR.10).

II. Consideration of draft resolution A/C.6/59/L.20

7. At the 26th meeting, on 17 November, the representative of New Zealand, on behalf of Andorra, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Monaco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Republic of Korea, Romania, Sierra Leone, Samoa, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, Uganda, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" (A/C.6/59/L.20).

8. Also at the 26th meeting, the Secretary of the Committee made a statement regarding the administrative and financial implications of the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.6/59/L.20, without a vote (see para. 10).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 58/82 of 9 December 2003 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, as well as the adoption by the Security Council of resolution 1502 (2003) on 26 August 2003,

Recalling also its resolution 57/338 of 15 September 2003, in which it strongly condemned the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission in Iraq in Baghdad on 19 August 2003,

Recalling further its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Recalling the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,¹ drawing attention to the safety and security problems faced by United Nations and associated personnel,

Recalling also the report of the Secretary-General² on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel and the recommendations contained therein, and also recalling the further report of the Secretary-General³ on this issue,

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as relevant provisions of human rights and refugee law,

Reaffirming also the obligation of all humanitarian personnel and United Nations and associated personnel to respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Expressing its concern that locally recruited personnel are particularly vulnerable to attacks directed at the United Nations,

Paying tribute to the courage of those who have served and who continue to serve in United Nations operations throughout the world, in particular those who have lost their lives in the course of their duties,

¹ S/2000/1133, annex.

² A/55/637.

³ A/59/226.

Deeply concerned that perpetrators of attacks against United Nations and associated personnel seemingly operate with impunity,

Welcoming the tenth anniversary of the adoption of the Convention, which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by seventy-seven States as at the date of the present resolution,

Underlining the need to promote the universality of the Convention and thereby strengthen the safety and security of United Nations and associated personnel,

Having considered the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel,⁴ established pursuant to resolution 56/89 of 12 December 2001, and the report of the Working Group of the Sixth Committee,⁵ and bearing in mind the recommendations of the Working Group contained in paragraphs 7 and 8 of its report,

1. *Expresses its appreciation for the work done by the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;*

2. *Urges States to take all necessary measures, in accordance with their international obligations, to prevent crimes against United Nations and associated personnel from occurring;*

3. *Also urges States to ensure that crimes against United Nations and associated personnel do not go unpunished and that the perpetrators of such crimes are brought to justice;*

4. *Affirms the obligation of all States to comply fully with their obligations under the relevant rules and principles of international law in relation to the safety and security of United Nations and associated personnel;*

5. *Calls upon all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;*

6. *Recommends that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention, including those regarding the prevention of attacks against members of an operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;*

7. *Recommends also that, consistent with his existing authority, the Secretary-General advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1 (c) (ii) of the Convention;*

⁴ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 52 (A/59/52).

⁵ A/C.6/59/WG.2/CRP.1.

8. *Confirms* that, consistent with his existing authority, the Secretary-General, who has knowledge of the facts and easy access to the information, may provide information, upon the request of a State, on matters of fact relevant to the application of the Convention, such as the fact and content of any declaration of exceptional risk by the Security Council or the General Assembly or any agreement concluded between the United Nations and a humanitarian non-governmental organization or agency;

9. *Notes* that the Secretary-General has prepared a standardized provision for incorporation into the agreements concluded between the United Nations and humanitarian non-governmental organizations or agencies for the purposes of clarifying the application of the Convention to persons deployed by those organizations or agencies, and requests the Secretary-General to make available to Member States the names of organizations or agencies that have concluded such agreements;

10. *Urges* the Secretary-General and relevant bodies to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen protection for United Nations and associated personnel, including locally recruited personnel, who are particularly vulnerable and account for the majority of casualties among United Nations or associated personnel;

11. *Decides* that the Ad Hoc Committee established under resolution 56/89 shall reconvene for one week, from __ to __ 2005, with a mandate to expand the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, including, *inter alia*, by means of a legal instrument, and that the work shall continue during the sixtieth session of the General Assembly within the framework of a working group of the Sixth Committee;

12. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at the sixtieth session;

13. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the measures taken to implement the present resolution;

14. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".



General Assembly

Distr.: General
19 November 2004

Original: English

Fifty-ninth session
Agenda item 150

International convention against the reproductive cloning of human beings

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "International convention against the reproductive cloning of human beings" was included in the provisional agenda of the fifty-ninth session of the General Assembly, pursuant to Assembly decision 58/523 of 9 December 2003.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 11th, 12th and 27th meetings, on 21 and 22 October and on 19 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.11, 12 and 27).
4. For its consideration of the item, the Committee also had before it an information paper submitted by the Permanent Observer of the Holy See (A/C.6/59/INF/1).

II. Consideration of proposals

A. Draft resolution A/C.6/59/L.2

5. At the 11th meeting, on 21 October, the representative of Costa Rica, on behalf of Albania, Angola, Antigua and Barbuda, Australia, Benin, Burundi, Chad, Chile, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, the Gambia, Georgia, Grenada, Guinea, Haiti, Honduras, Ireland, Italy, Kazakhstan, Kenya,



Kyrgyzstan, Lesotho, Liberia, Madagascar, Malawi, the Marshall Islands, Micronesia, Nauru, Nicaragua, Nigeria, Palau, Panama, Papua New Guinea, Paraguay, the Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Suriname, Tajikistan, Timor-Leste, Tuvalu, Uganda, the United Republic of Tanzania, the United States of America, Uzbekistan, Vanuatu and Zambia, subsequently joined by Comoros, Guyana and Norway, introduced a draft resolution entitled "International convention against human cloning" (A/C.6/59/L.2). Angola, Chile and Malawi subsequently withdrew as sponsors of A/C.6/59/L.2. The draft resolution read as follows:

"The General Assembly,

"Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, in particular article 11 thereof, which states that practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

"Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"Bearing in mind Commission on Human Rights resolution 2003/69 of 25 April 2003, entitled 'Human rights and bioethics', adopted at the fifty-ninth session of the Commission,

"Also bearing in mind Economic and Social Council resolution 2001/39 of 26 July 2001, entitled 'Genetic privacy and non-discrimination',

"Aware of the rapid development of the life sciences and of ethical concerns raised by certain of their applications with regard to the dignity of the human race and the human rights and fundamental freedoms of the individual,

"Concerned about recently disclosed information on research into and attempts at the creation of human beings through cloning processes,

"Convinced that human cloning, for any purpose whatsoever, is unethical, morally reproachable and contrary to due respect for the human person and that it cannot be justified or accepted,

"Recalling that recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, as stated in the Universal Declaration of Human Rights,

"Seeking to promote scientific and technical progress in the fields of biology and genetics in a manner respectful of human rights and for the benefit of all,

"Concerned about the serious dangers of a medical, physical, psychological and social nature that human cloning may imply for the individuals involved, and alarmed that it may cause the exploitation of women,

"Recalling its resolution 56/93 of 12 December 2001, by which it decided to establish an Ad Hoc Committee, open to all States Members of the

United Nations or members of specialized agencies or of the International Atomic Energy Agency.

"Determined to prevent, as a matter of urgency, such an attack on the human dignity of the individual,

"1. Requests the Ad Hoc Committee to be reconvened from _____ to _____ 2005 in order to prepare, as a matter of urgency, the draft text of an international convention against human cloning, bearing in mind that it will not prohibit the use of nuclear transfer or other cloning techniques to produce DNA molecules, organs, plants, tissues, cells other than human embryos or animals other than human beings, and recommends that the work continue during the sixtieth session of the General Assembly from _____ to _____ 2005 within the framework of a working group of the Sixth Committee;

"2. Also requests the Ad Hoc Committee to consider, in developing the draft convention, the proposals put forward during the fifty-eighth session of the General Assembly;

"3. Urges States to prohibit any research, experiment, development or application in their territories or areas under their jurisdiction or control of any technique aimed at human cloning, pending the adoption of an international convention against human cloning;

"4. Calls upon States to adopt such measures as may be necessary to prohibit those techniques of genetic engineering that may have adverse consequences on the respect for human dignity;

"5. Strongly encourages States and other entities to direct funds that might have been used for human cloning technologies to pressing global issues in developing countries, such as famine, desertification, infant mortality and diseases, including the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS);

"6. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

"7. Invites the Ad Hoc Committee to take into consideration the contributions of United Nations agencies and competent international organizations in the process of negotiations;

"8. Requests the Ad Hoc Committee to report on its work to the General Assembly at its sixtieth session;

"9. Decides to include in the provisional agenda of its sixtieth session an item entitled 'International convention against human cloning'."

B. Draft resolution A/C.6/59/L.8

6. At the 11th meeting, on 21 October, the representative of Belgium, on behalf of Belarus, Belgium, Cambodia, China, Cuba, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Iceland, Japan, Latvia, Lithuania, the Republic of Korea, Singapore, South Africa, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution

entitled "International convention against the reproductive cloning of human beings" (A/C.6/59/L.8), which read:

"The General Assembly,

"Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, in particular article 11 thereof, which states that practices that are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

"Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"Bearing in mind Commission on Human Rights resolution 2003/69 of 25 April 2003, entitled 'Human rights and bioethics', adopted by the Commission at its fifty-seventh session,

"Mindful of the importance of the development of the life sciences for the benefit of mankind, with full respect for the integrity and dignity of the human being,

"Aware that the rapid development of the life sciences opens up prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices pose potential dangers to the integrity and dignity of the individual,

"Concerned by the seriousness of problems posed by the development of techniques of reproductive cloning of human beings applied to mankind, which may have consequences for respect for human dignity,

"Particularly concerned, in the context of practices that are contrary to human dignity, at recently disclosed information on research into and attempts at the reproductive cloning of human beings,

"Determined to prevent, as a matter of urgency, such an offence to human dignity,

"Recalling its resolution 56/93 of 12 December 2001, by which it decided to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the elaboration of an international convention against the reproductive cloning of human beings,

"Determined to adopt provisional measures at the national level to prevent potential dangers to the human dignity of the individual pending the adoption and entry into force of an international convention against the reproductive cloning of human beings,

"1. Decides that the Ad Hoc Committee shall be reconvened from ___ to ___ 2005 in order to prepare, as a matter of urgency and if possible by the end of 2005, a draft international convention against the reproductive cloning of human beings;

"2. Requests the Ad Hoc Committee, in developing the draft convention, to include the following elements:

"(a) An obligation on all contracting parties to ban reproductive cloning of human beings with no possibility of making any reservations;

"(b) An obligation on all contracting parties to take action to control other forms of human cloning by adopting a ban or imposing a moratorium or regulating them by means of national legislation, including strict controls, inter alia, to ensure that the results of therapeutic cloning are not used to advance reproductive cloning;

"3. *Also requests* the Ad Hoc Committee to take into consideration the relevant existing international instruments;

"4. *Calls upon* those States that have not yet done so, pending the adoption and entry into force of an international convention against the reproductive cloning of human beings and their becoming party thereto, to adopt at the national level a prohibition against reproductive cloning of human beings;

"5. *Also calls upon* those States that have not yet done so, pending the adoption and entry into force of an international convention against the reproductive cloning of human beings and their becoming party thereto, to take action to control other forms of human cloning by adopting a ban or imposing a moratorium or regulating them by means of national legislation;

"6. *Requests* the Secretary-General to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

"7. *Invites* the Ad Hoc Committee to take into consideration the contributions of United Nations bodies and to closely involve the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the United Nations Conference on Trade and Development in the process of negotiations;

"8. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its sixtieth session;

"9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled 'International convention against the reproductive cloning of human beings'."

C. Draft resolution A/C.6/59/L.26

7. At the 27th meeting, on 19 November, the representative of Italy introduced a draft resolution entitled "International convention against the reproductive cloning of human beings", which it had proposed (A/C.6/59/L.26) and which read:

"The General Assembly,

"Recalling its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"Approves the Declaration on Human Cloning, annexed to the present resolution.

Annex

United Nations Declaration on Human Cloning

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations,

"Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted,

"Recalling also its resolution 53/152 of December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"Aware of the ethical concerns that certain applications of rapidly developing life science may raise with regard to human dignity, human rights and the fundamental freedoms of individuals,

"Reaffirming that the applications of life science should seek to offer relief from suffering and improve the health of individuals and humankind as a whole,

"Emphasizing that the promotion of scientific and technical progress in life science should be sought in a manner that safeguards respect for human rights and the benefit of all,

"Mindful of the serious medical, physical, psychological and social dangers that human cloning may imply for the individuals involved, and also conscious of the need to ensure that human cloning does not give rise to the exploitation of women,

"Convinced of the urgency of preventing the potential dangers of human cloning to human dignity,

"Solemnly declares the following:

"(a) Member States are called upon to prohibit any attempts to create human life through cloning processes and any research intended to achieve that aim;

"(b) Member States are called upon to ensure that, in the application of life science, human dignity is respected in all circumstances and, in particular, that women are not exploited;

"(c) Member States are also called upon to adopt and implement national legislation to bring into effect paragraphs (a) and (b) above;

"(d) Member States are further called upon to adopt the measures necessary to prohibit applications of genetic engineering techniques that may be contrary to human dignity."

D. Proposal to establish a Working Group of the Sixth Committee

8. At the 27th meeting, on 19 November, the Chairman announced that, on the basis of informal consultations with interested delegations, it was proposed that the Sixth Committee establish a Working Group to finalize the text of a United Nations declaration on human cloning, on the basis of draft resolution A/C.6/59/L.26, and to report to the Sixth Committee during the current session. The Working Group would meet on 14, 15 and 18 February 2005. The Sixth Committee would meet on the afternoon of 18 February to consider and take action on the report of the Working Group. The Working Group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency. The Chairman of the Sixth Committee would be chairman of the Working Group and members of the Bureau of the Sixth Committee would serve as Friends of the Chairman (see A/C.6/59/SR.27).

9. At the same meeting, the Secretary of the Committee made a statement regarding the administrative and financial implications of the proposal of the Chairman (see A/C.6/59/SR.27).

10. Also at the same meeting, on the basis of the proposal of the Chairman, the Committee adopted a draft decision to establish a working group without a vote (see para. 11).

III. Recommendation of the Sixth Committee

11. In the light of the discussion outlined in paragraphs 8 and 10 above, the Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Working Group to finalize the text of a United Nations declaration on human cloning

The General Assembly takes note of the decision of the Sixth Committee to establish a Working Group to finalize the text of a United Nations declaration on human cloning, on the basis of the draft resolution on an international convention against the reproductive cloning of human beings,¹ and to report to the Sixth Committee during the current session. The Working Group shall meet on 14, 15 and 18 February 2005. The Sixth Committee will meet in the afternoon of 18 February to consider and take action on the report of the Working Group. The Working Group shall be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency. The Chairman of the Sixth Committee shall be chairman of the Working Group and members of the Bureau of the Sixth Committee shall serve as Friends of the Chairman.

¹ A/C.6/59/L.26.